

REMARKS

Reconsideration of this application as amended is respectfully requested. In the Office Action, claims 1, 4-29, 31-33, 35, 36, and 44-47 were pending and rejected. In this response, no claims have been amended, cancelled, or added. Thus, claims 1, 4-29, 31-33, 35, 36, and 44-47 are pending.

Claims 1, 4-12, 21, 24-29, 31-33, 35, and 44-47 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,505,160 of Levy et al (hereinafter "Levy") in view of U.S. Patent App. No. 2005/0120082 of Hesselink et al. (hereinafter "Hesselink"). The Applicants respectfully disagree.

Claim 1 recites:

A system comprising:

a controller configured to select an identifier associated with a media object and to send a request to play the media object identified by the identifier, wherein the controller sends the request by wirelessly transmitting the request having the identifier stored in the controller over a first network, the first network being a wireless network; an appliance configured to receive the request having the identifier from the controller over the wireless network, to determine whether the identified media object is stored in the appliance, to retrieve the media object from a first server via a second network different than the first network when the media object is not stored in the appliance, and to play the media object in response to the request, wherein the controller and the first server are synchronized on a predetermined time period to provide the controller with identifiers for identifying each media object stored on the first server.

That is, independent claim 1 includes a controller that wireless communicates with an appliance over a first network which is a wireless network, where the appliance communicates with a first server over a second network which is different than the first network. The controller sends a request to the appliance to play a media object by wirelessly transmitting an identifier identifying the requested object in the appliance. In response to the request wireless received from the controller over the first network, the

appliance determines whether the requested media object is locally stored in the appliance and retrieves the requested object from the first server over the second network (e.g., different than the first network) if the appliance does not have the requested object stored therein. Thereafter, the appliance plays within the appliance (rather than the controller) the retrieved object. Furthermore, the controller and the server are synchronized, based on a predetermined time period, so that the controller is provided with identifiers identifying each media object stored on the first server.

The Examiner admitted that:

Levy does not teach that the media object is retrieved from a first server via a second network when the object is not stored in the appliance; Levy does not teach a controller and a first server that are synchronized on a predetermined time period to provide the controller with the identifiers for identifying each media object stored on the server.

(Office Action, page 3, mailed 12/20/2006)

The Examiner relies on Hesselink to supply the features absent from Levy as noted by the Examiner. The Applicants respectfully submit that the features described in Hesselink and cited by the Examiner are not properly prior art under 35 U.S.C. § 103(a).

For a reference to be prior art to the present application, the reference must predate the Applicants filing date of July 31, 2000 (*See* 35 U.S.C. § 102), or claim priority to and find support in another application. Applicants respectfully submit that Hesselink fails to predate the present application, and the features relied upon by the Examiner in Hesselink cannot claim priority to any reference before July 31, 2000, and is therefore not properly prior art under 35 U.S.C. § 103(a).

Hesselink is a Continuation-In-Part of co-pending U.S. application Ser. No. 10/300,500 filed Nov. 19, 2002, which is a Continuation-In-Part of U.S. application Ser. No. 09/608,685, filed Jun. 29, 2000, now U.S. Pat. No. 6,732,158 (herein referred to as “Hesselink-Parent1”), which is a Continuation-In-Part of U.S. application Ser. No.

09/454,178, filed Dec. 2, 1999, now U.S. Pat. No. 6,499,054 (herein referred to as "Hesselink-Parent2"). Hesselink also claims priority to U.S. Provisional Patent Application Ser. No. 60/520,481 filed Nov. 14, 2003. Further, Hesselink claims priority to U.S. Provisional Application No. 60/331,642 filed on Nov. 20, 2001 via the claim to priority of the same by U.S. application Ser. No. 10/300,500.

Therefore, only Hesselink-Parent1 and Hesselink-Parent2 have priority dates which would predate the Applicants filing of the present application. Further, because the Examiner relies on Hesselink, which has an effective filing date of November 13, 2004, the features cited by the Examiner must exist within either Hesselink-Parent1 or Hesselink-Parent2 in order to properly be considered prior art to the present application under 35 U.S.C. § 103.

After a thorough review of Hesselink-Parent1 and Hesselink-Parent2, the Applicants respectfully submit that they are unable to find any description within those references that would allow Hesselink to claim priority to Hesselink-Parent1 or Hesselink-Parent2 for the features relied upon by the Examiner.

Hesselink-Parent1 describes remotely controlling video recorders over a single computer network (Hesselink-Parent1, Column 14, Line 30 to Column 16, Line 47; **Figures 1A, 1B, and 14**). When a user accesses a service provider, the user may trigger a remote video recorder (Hesselink-Parent1, Column 1, Line 66 to Column 2, Line 19; Column 6, Line 66 to Column 7, Line 14). However, Hesselink-Parent 1 fails to describe or suggest media objects being retrieved from a first server via a second network when the object is not stored in an appliance, or a controller and a first server that any synchronization based on a predetermined time period to provide the controller with the identifiers for identifying each media object stored on the server. Therefore, the features

cited by the Examiner in Hesselink are not described or suggested in Hesselink-Parent1, and thus cannot claim the priority date of Hesselink-Parent1.

Hesselink-Parent2 describes remotely controlling scientific lab equipment including video recorders over a single computer network (Hesselink-Parent2, Abstract; **Figures 1A and 1B**). The laboratory equipment is only activated/utilized upon receipt of a user request (Hesselink-Parent1, Column 1, Line 65 to Column 2, Line 29; Column 3, Line 6 to Column 5, Line 3). Thus, Hesselink-Parent 2 also fails to describe or suggest media objects being retrieved from a first server via a second network when the object is not stored in an appliance, or a controller and a first server that are synchronized on a predetermined time period to provide the controller with the identifiers for identifying each media object stored on the server. Therefore, the features cited by the Examiner in Hesselink are also not described or suggested in Hesselink-Parent2, and thus cannot claim the priority date of Hesselink-Parent2.

Therefore, neither Hesselink-Parent1 nor Hesselink-Parent2 describe or suggest the features relied upon by the Examiner to cure the deficiencies of Levy.

Hesselink was filed November 13, 2004, and thus it is not itself prior art to the present application under § 102 or 103. Therefore, Hesselink must rely on the disclosures of Hesselink-Parent1 and Hesselink-Parent2 in order to claim a priority date that would allow Hesselink to be prior art against the present application. However, because neither Hesselink-Parent1 nor Hesselink-Parent2 describe or suggest the features relied upon by the Examiner, Hesselink cannot rely on the priority dates of Hesselink-Parent1 and Hesselink-Parent2 for those features. Thus, Applicants respectfully submit that those portions of Hesselink's disclosure relied upon by the Examiner to cure Levy's deficiencies

are not properly prior art under 35 U.S.C. § 103. As such, Hesselink fails to describe or suggest each and every feature as claimed by the Applicants in independent claim 1.

Therefore, for at least the reasons discussed above, neither Levy and Hesselink, alone or in combination, describe or suggest the limitations as claimed in claim 1. Thus, Levy and Hesselink fail to render claim 1 obvious under § 103. Furthermore, independent claims 29 and 44 include similar limitations to those discussed above with respect to independent claim 1. Therefore, for similar reasons, claims 29 and 44 are also not rendered obvious under § 103 by Levy and Hesselink. The Applicants respectfully request withdrawal of the rejections.

Given that claims 4-12, 21, 24-28, 31-33, 35, and 45-47 depend from one of the above independent claims, at least for the reasons similar to those discussed above, it is respectfully submitted that the rest of the claims are patentable over the cited references. Withdrawal of the rejections is respectfully requested.

Claims 13, 14, 15, and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Levy and Hesselink in view of U.S. Patent No. 6,166,735 of Dom et al. (“Dom”). As discussed above with respect to independent claim 1, from which claims 113, 14, 15, and 22 depend, Levy and Hesselink fail to describe each and every limitation claimed by the Applicants in claim 1. Because Dom merely describes a graphical user interface for displaying videos stored at a remote repository (Dom, Column 4, Lines 58-63; **Figure 3**), Dom also fails to teach or suggest the limitations discussed above with respect to claim 1. Thus, Levy, Hesselink, and Dom, alone or in combination, fail to render claim 1, and thus dependent claims 13, 14, 15, and 22, obvious.

Claims 16-20, 23, and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Levy, Hesselink, and Dom in view of U.S. Patent No. 6,097,389 of Morris et al.

(“Morris”). As discussed above with respect to independent claims 1 and 29, from which claims 16-20, 23, and 36 depend, Levy, Hesselink, and Dom fail to describe each and every limitation claimed by the Applicants in claims 1 and 29. Because Morris merely describes a graphical user interface for displaying graphical images (Morris, Column 3, Line 40 to Column 4, Line 39), Morris also fails to teach or suggest the limitations discussed above with respect to claims 1 and 29. Thus, Levy, Hesselink, Dom, and Morris, alone or in combination, fail to render claims 1 and 29, and thus dependent claims 16-20, 23, and 36, obvious.

In view of the foregoing remarks and amendments, it is respectfully submitted that claims 1, 4-29, 31-33, 35, 36 and 44-47 include limitations that are not disclosed or suggested by the cited references, individually or in combination.

In view of the foregoing, Applicant respectfully submits the present application is now in condition for allowance. If the Examiner believes a telephone conference would expedite or assist in the allowance of the present application, the Examiner is invited to call the undersigned attorney at (408) 720-8300.

Please charge Deposit Account No. 02-2666 for any shortage of fees in connection with this response.

Respectfully submitted,

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